

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 92-206-T - ORDER NO. 92-581 ✓

July 20, 1992

IN RE: Application of Wills Trucking, Inc.,) ORDER GRANTING
 3185 Columbia Road, Richfield, Ohio) MOTION TO COMPEL
 44286, for a Class E Certificate of) IN PART
 Public Convenience and Necessity.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion to Compel filed by Environmental Services Corporation (ESC). ESC asks this Commission to compel Petitioner, Wills Trucking, Inc. (Wills) to respond to ESC's propounded Interrogatories Nos. 1-14, 1-15, and 1-28. Interrogatory No. 1-14 asks that Wills:

Identify each and every person, partnership, corporation or other business entity which Applicant has contacted, been contacted by or communicated with in any manner regarding the need for additional Class E carriers of hazardous waste in the State of South Carolina.

Interrogatory No. 1-15 asks for the following:

Identify each and every person, partnership, corporation or other business entity which Applicant has contacted, been contacted by or communicated with in any manner regarding hiring Applicant to transport hazardous waste in the State of South Carolina.

Interrogatory No. 1-28 asks for the following:

State the number of contacts received by Applicant within the last year regarding the transportation of hazardous waste. For each answer, list the following:
a) the date of the contact; b) the business that contacted Applicant or was contacted by Applicant; and
c) Applicant's response to the contact.

In response to the Motion to Compel, Wills Trucking, Inc. filed a Return which summed up the Motion to Compel as stating that ESC was essentially requesting production of the customer list that Wills has developed for its prospective operations in South Carolina. Wills believes that discovery of this information should not be required, since it is proprietary, market sensitive information, the essence of which is substantially available to ESC through less intrusive means. Further, Wills states that the names and addresses list is not relevant to whether the public convenience and necessity is being served already.

After consideration of this matter, the Commission believes that Wills Trucking, Inc. should not be required to disclose the identity of the shippers on its potential customer list. We do believe that this is not relevant to whether the public convenience and necessity is being served at the present time. We do think, however, that Wills should answer Interrogatories Nos. 1-14, 1-15, and 1-28 in a manner which omits the identity of the shippers on its potential customer list. However, Wills will not have to state its response to the contact as requested in Interrogatory No. 1-28 (c).

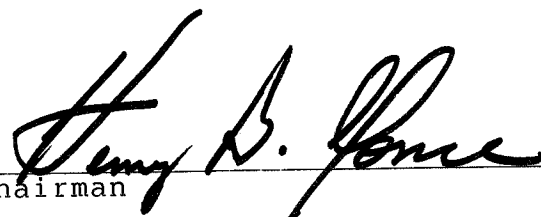
IT IS THEREFORE ORDERED THAT:

1. The Motion to Compel filed by Environmental Services Corporation is granted in part as stated above.
2. Wills Trucking, Inc. need not reveal the identity of the shippers on its customer list.
3. Wills should answer Interrogatory Nos. 1-14, 1-15, and

1-28 as directed above.

4. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)